

Advay Mengle  
PO Box 390817  
Mountain View, CA 94039  
[for.public.comment@gmail.com](mailto:for.public.comment@gmail.com)

**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of:	)	
	)	Supreme Court No. R-____ - _____
PETITION TO AMEND	)	
TERMINOLOGY SECTION, RULES OF	)	Petition to Amend Terminology Section,
THE COMMISSION ON JUDICIAL	)	Rules of the Commission on Judicial
CONDUCT	)	Conduct
	)	
_____	)	

Pursuant to Rule 28, Rules of the Supreme Court, Advay Mengle respectfully petitions this Court to adopt amendments to Terminology Section, Rules of the Commission on Judicial Conduct (to which all references to Rules, below, refer to, unless otherwise specified), governing the definition of the record below.

**I. Background and Purpose of the Proposed Rule Amendments**

In order to increase the transparency of judicial conduct proceedings in informal proceedings, Mengle proposes to clarify the definition of the “record” available to the public under Rule 9(a)(2) to include exhibits and attachments. Disciplinary Counsel for the Commission has previously denied access to exhibits and attachments in an informal proceeding presumably pursuant to the current definition of “record.” Access to such exhibits and

attachments would allow the public to better understand the complaint, response, and findings in judicial conduct proceedings in their full context. Concerns regarding privacy and confidentiality of sensitive information in attachments and exhibits may presumably handled under Rule 9(d) as with other parts of the record.

## **II. Contents of the Proposed Rule Amendment**

The proposed definition<sup>1</sup> of “record” in the Terminology Section of the Rules is:

“Record” means the complaint, the judge's response, the commission's findings, if any and the final dispositional order (including all attachments and exhibits, if any) in a case involving informal proceedings, and all documents filed with the commission in a case involving formal proceedings beginning with the notice and statement of formal charges, including the digital recording of the hearing if recommendations are filed with the supreme court.

RESPECTFULLY SUBMITTED this 15th day of September, 2017.

By: s/Advay Mengle/  
Advay Mengle  
PO Box 390817  
Mountain View, CA 94039  
[for.public.comment@gmail.com](mailto:for.public.comment@gmail.com)

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<sup>1</sup> Proposals are made with respect to the version of the Rules with amendments received through July 1, 2017, as retrieved on September 15, 2017 from <https://govt.westlaw.com/azrules/Document/N4B56B260717B11DAA16E8D4AC7636430>